S.B. Civil Second Appeal No. 352/04
Mahaveer Chand Vs. Ram Prakash & Ors.

Date of order : 26.02.2007

HON'BLE MR. BHAGWATI PRASAD, J.

Mr. Manish Shishodia for the appellant.
Mr. L.R. Calla for the respondents.

Heard.

This second appeal pertains to the question of adoption of a major married man. The adoption is based on a registered adoption original of which has not been produced and secondary evidence has been permitted to be led. The basic question was whether a adult married man can be adopted or not. According to Hindu Guardianship Adoption and Maintenance Act, such an adoption is possible only if there is a custom. No such custom being present was found to be established by both the courts below. In absence of custom being proved, the validity of adoption of a major person cannot be held proved. Both the courts below had not believed the adoption to be valid and in absence of a valid adoption, the suit was not liable to be decreed. That being the position, all questions being the questions of fact, the matter was decided by both the courts below against the appellant. The interference in second appeal is not called for, more particularly when the manner of adoption is barred under

the law as the custom is not found to be established. Nothing can be done in favour of the appellant. No interference is called for.

The second appeal is dismissed.

(BHAGWATI PRASAD), J.

ns.